

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Earl Ingels,
Petitioner

vs

Case No. 1:00cv1003
(Spiegel, S.J.; Hogan, M.J.)

Wanza Jackson,
Respondent

ORDER

On June 24, 2004, a final Order and Judgment was entered in this case adopting a Report and Recommendation to deny petitioner's *pro se* petition for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254 with prejudice. (*See* Docs. 19, 20, 21). It was determined then that a certificate of appealability should not issue, and that any application to proceed on appeal *in forma pauperis* was denied. (Docs. 20, 21).

Nearly two years later, in June 2006, petitioner filed a motion for relief from judgment under Fed. R. Civ. P. 60. (Doc. 22). On January 23, 2007, the motion was denied in its entirety, and the case was dismissed with directions to the Clerk of Court "to close this matter on the Court's docket." (Doc. 27). Petitioner filed a notice of appeal from the January 23, 2007 Order on February 14, 2007, and a corrected notice of appeal on February 21, 2007. (Docs. 29, 31).

Since filing his initial notice of appeal, petitioner has filed two motions under the heading "In The United States Court Of Appeals For The Southern District Western Division, Cincinnati, Ohio" requesting the United States Court of Appeals for the Sixth Circuit to issue a certificate of appealability and to appoint counsel to represent him on appeal, as well as for an extension of time in which to research and prepare his appeal. (Docs. 28, 30). Petitioner's pending motions (Docs. 28, 30),

which were directed to the Court of Appeals, were improperly filed with this Court, which has already denied a certificate of appealability and closed the matter on the Court's docket. Accordingly, the Clerk of Court is hereby DIRECTED to transfer the pending motions (Docs. 28, 30) to the United States Court of Appeals for the Sixth Circuit for ruling in the appeal proceeding initiated by petitioner.

SO ORDERED.

Date: March 1, 2007

cbc

s/S. Arthur Spiegel

S. Arthur Spiegel, Senior Judge
United States District Court

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